IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 782 of 2006(M/B)

Raj Kumar, aged about 65 years
S/o Sri Hans Raj,
Proprietor of Sukheeja Sweets,
Mangalparao, Haldwani,
Police Station- Haldwani,
District Nainital ..... Petitioner

Versus

1. State of Uttaranchal through
   Investigating Officer of Case Crime No. 8923 of 2005, U/s 3/7 of Essential Commodity Act,
   Police Station, Haldwani, District Nainital
2. Supply Inspector, Haldwani,
   District Nainital ..... Respondents

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Sri N.C. Gupta, Advocate for the petitioner.
Sri D.K.Sharma, G.A. for the respondents.

JUDGMENT

Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble Prafulla C. Pant,

RAJEEV GUPTA, C. J. (Oral)

Sri N.C. Gupta, Advocate for the petitioner.

Sri D.K. Sharma, Government Advocate for the respondents.

They are heard.

2. Petitioner Raj Kumar has filed this writ petition for the following reliefs:

> "(I) Issue a writ of certiorari or any writ order or direction commanding the respondent quashing the F.I.R. dated 23.11.2005 in case crime no. 8923 of 2005 under Section 3/7 of the Essential Commodity Act, P.S.Haldwani, District Nainital contained as Annexure –1 to the writ petition.
> (II) issue a writ of mandamus or any writ, order or direction commanding the respondents not to arrest the petitioners until creditable material or evidences against the petitioner or till charge sheet is filed in the Court by the respondent against the petitioner.

(III) Issue any other writ, order or direction, which has Hon'ble Court may deem fit and proper in the circumstances of the case.

(IV) Award cost of the petition to the petitioners.

3. The petitioner is apprehending his arrest for his alleged involvement in crime no. 8923 of 2005 registered at Police Station Haldwani, district Nainital for the alleged commission of the offence punishable under Section 3/7 of the Essential Commodities Act read with Liquified petroleum Gas (Supply and Distribution) Order 2000.

4. The petitioner is alleged to have used L. P. G. cylinders for commercial purpose, which were meant for domestic purpose only. The First Information Report discloses that some domestic cylinders were being used for commercial purpose, when the raid-party raided the petitioner's shop.

5. On due consideration of the submissions of the learned counsel for the parties and the allegations against the petitioner in the F.I.R., we are of the opinion that it is not a fit case for grant of any of the reliefs sought by the petitioner in the writ petition at this stage.

6. The writ petition, therefore, is liable to be dismissed summarily.

7. However, considering that the petitioner is reported to be an old and infirm person, aged about 65 years, we deem it proper to direct that in the event of arrest of petitioner Raj Kumar by the police or his surrender before the concerning Court, his bail petition shall be taken up for hearing in accordance with law without any undue delay.

8. With the above direction, the writ petition stands disposed of.

9. With the above order, CLMA No. 8257 of 2006 also stands disposed of.

(Prafulla C. Pant, J.) 10.07.2006

(Rajeev Gupta, C. J.) 10.07.2006

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